

## **REMARKS**

### **I. Introduction**

Claims 34 is pending in the current application. In view of the preceding amendments and following remarks, applicants respectfully request reconsideration of the application.

### **II. Rejection of Claims 37 under 35 U.S.C. 112, second paragraph**

Claim 37 was rejected under 35 U.S.C. 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Applicants respectfully submit that as provided in the Preliminary Amendment filed with the application on October 31, 2003, claim 37 was cancelled without prejudice. Applicants respectfully submit that the cancellation of claim 37 renders this rejection moot and respectfully request withdrawal of the rejection.

### **III. Rejection of Claims 34, 35 and 38 Under 35 U.S.C. §102(b)**

Claims 34, 35 and 38 were rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,332,101 ("Bakula"). Claim 38 was rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 2,268,853 ("Behnke").

As provided above, Applicants respectfully submit that the Preliminary Amendment filed on October 31, 2003 cancelled claims 35 and 38 and as a result the rejection of these claims is rendered moot. Applicants herewith provide a copy of the Preliminary Amendment for the Examiner's reference.

Claim 34 relates to a vibratory screen assembly comprising a plate, first and second side edge portions on said plate, first and second series of finger-receiving apertures in said first and second side edge portions, respectively, first and second

flanges on said plate located outwardly of said first and second series of apertures, respectively, a screen on said plate, and first and second portions of said screen assembly spaced from and overlying said first and second finger-receiving apertures, respectively, and secured between said plate and said first and second flanges, respectively.

Bakula relates to a screen aligning, tensioning and sealing structure for vibratory screening machines. Bakula provides a screen 22 which is supported by a apertured steel plate 27. As provided in Figure 12, an alignment structure consisting of notches 24 and 24' are provided in channels 25 and 25'. As provided in the accompanying description and figures of Bakula, the channels 25 and 25' are placed overtop of the screen assembly. As a result, Bakula does not disclose or even suggest any configuration provided in claim 34 which provides a first and second portion of said screen assembly spaced from and overlying said first and second finger-receiving apertures, respectively, and secured between said plate and said first and second flanges, respectively. Bakula, rather, presents a configuration which is opposite of the necessary features of claim 34. Applicants respectfully submit that as Bakula fails to disclose or suggest the features provided in claim 34, claim 34 is patentable for the reasons provided above. Applicants respectfully request withdrawal of the rejection to claim 34.

#### **IV. Rejection of Claim 36 Under 35 U.S.C. §103(a)**

Claims 36 was rejected under 35 U.S.C. §103(a) as being unpatentable over ("Bakula") in view of U.S. Patent No. 6,340,089 to ("Bakula").

As provided above, Applicants respectfully submit that the Preliminary Amendment filed on October 31, 2003 cancelled claim 36 and as a result the rejection of this claim is rendered moot.

**V. Conclusion**

In view of the foregoing remarks, it is respectfully submitted that all pending claims of the present application are now in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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